

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ESTATE OF ROGER D. OWENSBY, \*

Plaintiff

CASE NO. C-1-01-769  
(Judge S. Arthur Spiegel)

vs. \*

AFFIDAVIT OF MARK A. GISSINER

CITY OF CINCINNATI, et al. \*

Defendant

STATE OF OHIO )

) ss:

COUNTY OF HAMILTON )

Mark A. Gissiner, being first duly sworn, deposes and states as follows:

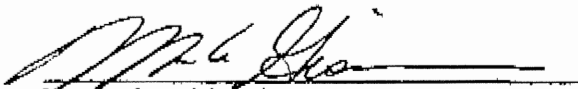
1. I am an adult of sound mind and body and have personal knowledge of the facts contained in this affidavit.
2. Since February, 2003, I have served as Senior Human Resources Analyst for the City of Cincinnati's City Manager Department.
3. From October, 2001 to February, 2003, I served as Acting Municipal Investigations Manager for Cincinnati.
4. As Acting Municipal Investigations Manager, I investigated the death of decedent Roger Owensby, Jr. as part of my employment duties after Plaintiffs filed the above-captioned lawsuit on November 8, 2001.
5. In 2002, as Acting Municipal Investigations Manager, I hired Cyril Wecht, M.D./J.D. to assist in my investigation of decedent Owensby's death. The City of Cincinnati paid Dr. Wecht's fees.
6. Dr. Wecht was hired to assist in this investigation as a non-testifying expert witness in anticipation of litigation.
7. It is my belief and understanding that Dr. Wecht was never intended to be a testifying expert witness in the above-captioned lawsuit when he was hired to assist in my investigation. It is further my belief and understanding that Cincinnati has not identified Dr. Wecht as an expert witness in this lawsuit and never will identify Dr. Wecht as an expert.

8. In the past, my office enlisted Dr. Wecht's services as a non-testifying expert, in an investigation unrelated to this lawsuit, in the course of my employment with the City of Cincinnati.


9. It was never my belief and understanding, at the time I hired Dr. Wecht to assist in the Owensby investigation, that Dr. Wecht would be deposed or called to testify on matters within the scope of his involvement in my investigation. Instead, the only reason Dr. Wecht was hired was to assist me in completing my investigation.

10. It is my belief and understanding that any facts or opinions Dr. Wecht disclosed in the course of my investigation can be obtained from other sources including but not limited to Hamilton County Deputy Coroner Daniel Schultz, M.D.

FURTHER AFFIANT SAYETH NAUGHT

  
Mark A. Gissiner

Sworn to before me and subscribed in my presence this 2 day of December, 2003.

  
Notary Public  
State of Ohio  
My Commission Expires:

CAROLE J. CALLAHAN  
Notary Public, State of Ohio  
My Commission Expires Sept. 10, 2006